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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,035	04/16/2004	Daniel Perreault	S63.2-10885-US01	9065

490 7590 07/20/2005

VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA, MN 55343-9185

EXAMINER

CRANE, DANIEL C

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,035

Applicant(s)

PERREAULT, DANIEL

Examiner

Daniel C. Crane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 and 21 is/are allowed.
- 6) ☒ Claim(s) 14-20 and 22-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/15/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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BASIS FOR REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

REJECTION OF CLAIMS ON FORMAL MATTERS

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 23 and 24 make reference to the method, however, they depend from apparatus claim 21. Accordingly, the subject matter has no antecedence and the scope of the claimed provisions is indeterminate. These claims have been examined as best understood.

REJECTION OF CLAIMS OVER PRIOR ART

Claim 14-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitesell (5,261,263) in view of Schrock (4,578,982). Whitesell illustrates the claimed apparatus in Figures 5 and 6 where the plurality of blades 18 are pivotally connected to a mount 26 and slidably constrained by blade constraining members 16. The apertures for the blade constraining members are slots 24. The mount 26 is manually operated. It is well known to the skilled artisan within this art to utilize motorized implements in place of a manual drive so as to eliminate the manual drive and provide greater operable features to the apparatus. Schrock

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shows this in Figure 3 where the mount 8 can be driven by a motorized drive device 16.

Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Whitesell's manually operated tool by utilizing a motor to drive the mount as taught by Schrock for the above noted motivation. The size of the chamber is dependent upon its particular use and would have been an obvious provision dictated by such use.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitesell (5,261,263) in view of either one of Putnam (5,411,521) or Johnson (1,480,077). Rotatably driven mounts by a geared assembly is known in the art as shown by either one of the secondary teachings, such drives simplifying the rotation of the mount and facilitating a more compact assembly. It would have been obvious to the skilled artisan at the time of the invention to have modified Whitesell's rotatable mount by using a geared drive of the type shown by either one of the secondary teachings for the above noted motivation.

Claims 22, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motsenbocker (6,629,350) in view of Whitesell (5,261,263). Motsenbocker discloses the well-known process for crimping a stent using a complex crimping apparatus. Whitesell shows a crimping tool having the capability of crimping stents. It would have been obvious to the skilled artisan at the time of the invention to have modified Motsenbocker's process by using a simple tool of the type shown by Whitesell so as to reduce the cost of the crimping operation. See Figures 5 and 6 of Whitesell. Whitesell's drive device is the handle of the tool.

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Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motsenbocker (6,629,350) in view of Whitesell (5,261,263), as set forth in the preceding paragraph and further in view of either one of Austin (6,823,576) or Kokish (6,840,081). It is known in the art to cool the workpieces so as to facilitate crimping of the stent or the balloon catheter. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Motsenbocker's process by further cooling the tool and workpiece using the concepts taught by either one of Austin or Kokish for the noted motivation.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 1-13 and 21 are allowed.

PRIOR ART CITED BY EXAMINER

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RESPONSE BY APPLICANT(S)

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

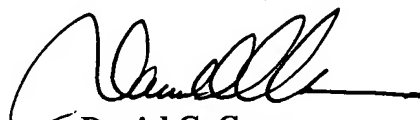
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INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 273-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4516.

DCCrane
July 14, 2005



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725